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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,174	10/05/2005	Matthias Fischer	56103/DBP/M521	6501

23363 7590 01/08/2008
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EXAMINER

STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

MAIL DATE	DELIVERY MODE
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01/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/552,174

Applicant(s)

FISCHER ET AL.

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26 and 27 is/are allowed.
- 6) ☒ Claim(s) 1-19,22-24 is/are rejected.
- 7) ☒ Claim(s) 20,21 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

This is the **Final Office Action** for application number 10/552,174 Longitudinal Guiding Element for Motor Vehicle Seat, filed on 10/5/05. Claims 1-27 are pending. This **Final Office Action** is in response to applicant's reply dated 12/5/07. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 112

Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 23 and 26 recite, "on the one rail" and "on the other rail" and both of these elements lack antecedent basis.

Claim Rejections - 35 USC § 102

Claims 1-16, 18-21 and are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 2549902 to Hibbard et al.

Hibbard et al. teaches a foldable backrest (56, 24) having two positions, one that supports an occupant upright and a second that supports an occupant in a forward position and a longitudinal guiding element having a pair of two guide elements

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(opposite sides of seat 60, 28) mounted side by side horizontally across the seat longitudinal direction and form an inner guide element and an outer guide element on each of the two longitudinal sides of a motor vehicle seat, the guide elements which are displaceable and extended relative to each other in the seat longitudinal direction between a first end position and a second end position and a guiding device (10) by which the one guide element is displaced in the seat longitudinal direction relative to the other guide element wherein the guiding device comprises two sliding guides (86, 54) mounted one behind the other in the seat longitudinal direction and each have a guiding slide and a guiding pin (50, 88) guided in the guiding slide wherein a first sliding guide of the two sliding guides is formed by a guiding slide provided on the one rail and a guiding pin provided on the other rail and that a second sliding guide of the two sliding guides is formed by a guiding pin provided on the one rail and a guiding slide provided on the other rail, and wherein each guiding pin is supported in an associated guiding slide along a horizontal axis perpendicular to the seat longitudinal direction, whereby the distance between the two guiding pins changes when the two guide elements are displaced relative to each other, wherein the first guiding slide and the second guiding slide each extend between a front stop in the rail longitudinal direction and a rear stop in the rail longitudinal direction wherein the stops restrict movement of the guiding pins in the guiding slides wherein in one end position of the two guide elements the guiding pin of a front sliding guide in the seat longitudinal direction bears against the front stop of the guiding slide and the guiding pin of a rear sliding guide in the seat longitudinal direction bears against the rear stop of the guiding slide and wherein in the other end

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position of the two guide elements the guiding pin of the front sliding guide in the seat longitudinal direction bears against the rear stop of the guiding slide and the guiding pin of the rear sliding guide in the seat longitudinal direction bears against the front stop of the guiding slide and wherein each guiding pin is supported at an edge of an associated guiding slide along a horizontal transverse direction perpendicular to the seat longitudinal direction.

Hibbard et al. also wherein the one end position of the guide elements corresponds to a useful position of the seat in which this is provided for use by a vehicle passenger, and that the other end position of the guide elements corresponds to a displaced position of the seat in which this is not provided to receive a vehicle occupant, and wherein one guide element is provided to receive an upholstery (34) carrier of a motor vehicle seat and the other guide element is provided for fixing on a structural assembly fixed on a floor of the motor vehicle and a locking device (thumbscrews can be tightened to lock the guide) is provided for locking the guiding device in at least one seat longitudinal position, wherein the two guide elements are supported against one another at an edge of each guiding slide along a horizontal transverse direction perpendicular to the seat longitudinal direction, wherein in each guiding slide there is a slider with a support face for supporting at least one of an associated guiding pin and the other guide element, wherein the support faces enable a support in two oppositely aligned directions along the vertical axis and a support in two oppositely aligned directions along the horizontal axis perpendicular to the seat longitudinal direction, wherein, each slider extends with at least one part of a slide region in the seat

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longitudinal direction only over a part of an extension of an associated guiding slide.

Claim Rejections - 35 USC § 103

Claims 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 2549902 to Hibbard et al.

Although Hibbard et al. does not specifically teach that the sliders are made from plastic or that the guide elements and the guiding pins are made of metal, but it would be obvious to one of ordinary skill in the art to have made these elements in this manner because plastic and metal are well known materials, used in the art for their versatility and strength and the use of such has a predictable result. (See KSR v. Teleflex, 550 U.S., 127 S. Ct. 1727 (2007)).

Response to Arguments

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 26 and 27 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 20, 21 and 25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The reason is that the prior art does not teach wherein the guiding pins in the first end position of the guide elements are not supported on the associated sliders along the vertical axis and wherein each guiding slide tapers in an end section which is free of a slide region of an associated slider in order to provide a continuous smooth transition between the slide region and the end section of the guiding slide and an unlocking element and that the unlocking element is only accessible for unlocking the locking device when the backrest is folded forwards and wherein the backrest is lockable in its forward folded position and that the backrest can only then be released for raising back up into its upright position when the longitudinal guiding element of the seat is located in the useful position.

Conclusion

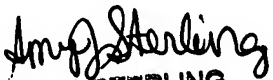
THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal communications only). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

Amy J. Sterling
Primary Examiner
1/2/08


AMY J. STERLING
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600